

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed October 5, 2004. The cited art not relied upon is not pertinent to the patentability of the pending application. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 101

Claims 9-19 stand rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter.

Independent claims 9 and 17 have been amended such that "[a] method comprising" has been replaced with "[a] method at least partially performed by a computer program, the method comprising." Claims 10-16 and 18-19 depend from claims 9 and 17, respectively. It is believed that the rejection has been obviated. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 112

Claims 1-8 stand rejected under 35 U.S.C. § 112, second paragraph for lacking antecedent basis.

Independent claim 1 has been amended such that the limitation "one of the set of modes" has been rewritten as "one of a set of modes", and claims 2-8 depend from claim 1. Thus, the rejection has been obviated. Therefore, Applicants respectfully request the Examiner withdraw the rejection.

Further, independent claims 9 and 20 recited the limitation "a mode chosen from the group." These claims have been amended to recite "a mode chosen from a group" to comply with the Examiner's requirements of form and thus place the case in condition for allowance.

Rejections under 35 U.S.C. § 102

Claims 9-16 and 20-29 stand rejected as anticipated by "Using Paradox 5 for Windows special edition", QUE, 1994, pp.326-331, and 525-537 ("Paradox"). The standard for "anticipation" is one of fairly strict identity. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051,

1053 (Fed. Cir. 1987), MPEP § 2131. Paradox does not disclose each and every element set forth in the pending independent claims, some distinctions of which are set forth below.

Independent claims 9 and 20 recite, “a third mode in which the first object can utilize and modify the asset, but wherein the second object can utilize the asset until the second object attempts to modify the asset, at which time a copy of the asset is generated and the second object can utilize and modify the copy of the asset.” Paradox recites a number of “auxiliary passwords”, each having less privilege than the “master password” (Paradox, page 527, line 10 – page 528 line 16). Although Paradox recites some “auxiliary passwords” having “Table-level access rights” which allow the modifying of tables or records, Paradox does not recite any “auxiliary password” which has the privilege recited in the ‘third mode’ of the pending claims. For example, Paradox does not recite any “Table-level access right” which allows an “auxiliary password” to utilize a table until the “auxiliary password” attempts to modify the table, at which point a copy of the table is generated which may be modified by the “auxiliary password.” To the extent the system described in the Paradox reference is even applicable to the claimed invention, Paradox simply does not describe the claimed functionality.

Thus, the cited art does not describe the “third mode” limitation in which a second object can utilize a first asset until the second object attempts to modify said first asset, at which time a copy of the first asset is generated as a second asset which may be modified by the second object. The cited art includes no such teaching or suggestion, and as such, the cited art does not and cannot anticipate or render obvious the pending independent claims or any claims dependent therefrom. Consequently, claims 9-16 and 20-29 are patentably distinct, and withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 10-11 stand rejected as obvious over Paradox. Claims 10-11 depend from pending independent claim 9, and are patentably distinct for at least the same reasons as claim 9 as recited above. Further, claim 10 recites a third object which is a child of a second object where the second object is the child of a first object. The Office Action’s assertion that it would be obvious to include such a third object is respectfully traversed, as Paradox does not teach or suggest any such third object having such hierarchal relationships with first and second objects. Claim 11 depends from claim 10, and is patentably distinct for at least the same reasons as claim 10. For at least these reasons, withdrawal of this rejection is respectfully requested.

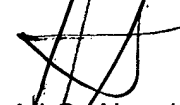
Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-29. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

An extension of one (1) month is requested and a Notification of Extension of Time Under 37 C.F.R. § 1.136 is enclosed herewith (along with an authorization to charge Deposit Account No. 50-3183).

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group
Attorneys for Applicant



Ari G. Akmal
Reg. No. 51,388

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1301 W. 25th Street, Suite 408
Austin, Texas 78705
Tel. (512) 637-9220
Fax. (512) 371-9088